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10/716,414	11/20/2003	Jong-Kyung Kim	P56983	5546

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EXAMINER	
KHAN, USMAN A	
ART UNIT	PAPER NUMBER
2622	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/716,414	KIM ET AL.	
	Examiner	Art Unit	
	Usman Khan	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 November 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objection

Claims 2 - 5 and 7 - 14 are objected to because of the following informalities: each of these dependent claims should start with "The" since these dependent claims reference back to a picture providing service of the independent claims from which they depend. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3 – 6, and 8 - 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Will (US patent No. 6,721,410) in further view of Matsubara (US PgPub 2005/0041153) in further view of Dellert et al. (US patent No. 5,760,916).

Regarding **claim 1,** Will teaches a picture providing service system, that provides picture data to a user using picture-related contents with being connected to a content providing system providing a service on Internet, comprising: a user administration means for storing the personal information, the identification information and the picture-related information of a user, who wants to use picture-related contents, among the users using the contents with being connected to said content providing system into a

database and administrating them (figure 1 item 22, and column 4 lines 6 *et seq.* and column 5 lines 21 *et seq.*); a video data processing means for storing said user's video data inputted through his or her PC having a digital camera into said database and editing said video data according to said user's control (figure 1 item 22); an image data processing means for providing various images to said user (figures 2 - 5), and when said user selects a preferred image, storing said selected image into said database (figure 1 item 22).

However, Will fails to disclose editing said selected image according to said user's demand; and a data synthesizing means for synthesizing said video data and said image data. Matsubara, on the other hand discloses a data synthesizing means for synthesizing said video data and said image data.

More specifically, Matsubara discloses a data synthesizing means for synthesizing said video data and said image data (figure 2, and paragraph 0054 *et seq.*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Matsubara with the teachings of Will to improve operation efficiency as thought in paragraph 0008 of Matsubara.

However, Will in further view of Matsubara fails to disclose editing said selected image according to said user's demand. Dellert et al., on the other hand discloses disclose editing said selected image according to said user's demand.

More specifically, Dellert et al. discloses disclose editing said selected image according to said user's demand (Column 9 lines 25 *et seq.*; image is selected by user edited then sent back to the server where others can access).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to edit external images and produce custom images to be displayed and sent back to the server for faster editing of images to be used by others and in turn saving time and cost.

Regarding **claim 3**, as mentioned above in the discussion of claim 1, Will in further view of Matsubara in further view of Dellert et al. teaches all of the limitations of the parent claim. Additionally, Matsubara teaches wherein said video data processing means partially deletes said video data and/or carries out a surface-processing on said video data according to said user's control (figure 2 item 16; surface-processing).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Matsubara with the teachings of Will in further view of Dellert et al. to improve operation efficiency as thought in paragraph 0008 of Matsubara.

Regarding **claim 4**, as mentioned above in the discussion of claim 1, Will in further view of Matsubara in further view of Dellert et al. teaches all of the limitations of the parent claim. Additionally, Matsubara teaches wherein said image data processing

means carries out a size-control, an image-combination, and/or a color change on said selected image data (figure 2 item 16; image-combination).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Matsubara with the teachings of Will in further view of Dellert et al. to improve operation efficiency as thought in paragraph 0008 of Matsubara.

Regarding **claim 5**, as mentioned above in the discussion of claim 1, Will in further view of Matsubara in further view of Dellert et al. teaches all of the limitations of the parent claim. Additionally, Matsubara teaches wherein said data synthesizing means overlaps said video data and said image data (figure 2, and paragraph 0054 *et seq.*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Matsubara in further view of Dellert et al. with the teachings of Will to improve operation efficiency as thought in paragraph 0008 of Matsubara.

Regarding **claim 6,** Will teaches a picture providing service method for providing picture data to a user using picture-related contents with being connected to a content providing system providing a service on Internet, comprising the steps of: (a) when said user, who is being connected to said content providing system, wants to use one of said picture-related contents, checking that video data is being inputted from said user's PC

(column 3 lines 33 *et seq.* and column 3 lines 65 *et seq.*); (b) if said user's video data is being inputted, checking that said user wants to select image data (figure 1 item 22, and column 4 lines 6 *et seq.* and column 5 lines 21 *et seq.*); (c) if said user wants to use image data and selects a preferred image (figure 1 item 22); (d) if said user wants to use said selected image data only without synthesizing the data, transmitting said selected image data to said content providing system (figure 1 item 22).

However, Will fails to disclose checking that said user wants that said video data and said image data are to be synthesized together and (e) if said user wants to synthesize said video data and said image data, synthesizing said user's video data and said selected image data and transmitting the synthesized data to said content providing system. Matsubara, on the other hand discloses checking that said user wants that said video data and said image data are to be synthesized together and if said user wants to synthesize said video data and said image data, synthesizing said user's video data and said selected image data and transmitting the synthesized data to said content providing system.

More specifically, Matsubara discloses checking that said user wants that said video data and said image data are to be synthesized together and if said user wants to synthesize said video data and said image data, synthesizing said user's video data and said selected image data and transmitting the synthesized data to said content providing system (figure 2, and paragraph 0054 *et seq.*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Matsubara with the

teachings of Will to improve operation efficiency as thought in paragraph 0008 of Matsubara.

Regarding **claim 8**, as mentioned above in the discussion of claim 6, Will in further view of Matsubara teaches all of the limitations of the parent claim. Additionally, Matsubara teaches wherein said step of synthesizing said user's video data and said selected image data in said step (e) comprises: a video data editing process for said user to select a desired portion of said video data to be displayed; and a combining process for overlapping said selected image data onto said edited video data (figure 2, and paragraph 0054 *et seq.*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Matsubara with the teachings of Will to improve operation efficiency as thought in paragraph 0008 of Matsubara.

Regarding **claim 9**, as mentioned above in the discussion of claim 6, Will in further view of Matsubara teaches all of the limitations of the parent claim. Additionally, Will teaches after said step (a), the steps of: if said user's video data is not being inputted, checking that said user wants to select image data; if said user selects image data, transmitting said selected image data to said content providing system; and if said user does not select image data, informing to said content providing system that said

user is not using a picture data (column 3 lines 33 *et seq.* and column 3 lines 65 *et seq.*).

Regarding **claim 10**, as mentioned above in the discussion of claim 6, Will in further view of Matsubara teaches all of the limitations of the parent claim. Additionally, Will teaches after said step (b), the step of, if said user does not select image data, informing to said content providing system that said user is using said video data only (column 3 lines 65 *et seq.*).

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Will (US patent No. 6,721,410) in further view of Matsubara (US PgPub 2005/0041153) in further view of Dellert et al. (US patent No. 5,760,916) In further view of Examiners Official Notice.

Regarding **claim 2**, as mentioned above in the discussion of claim 1, Will in further view of Matsubara in further view of Dellert et al. teaches all of the limitations of the parent claim. Additionally, Will teaches wherein said picture-related contents include the contents used for a video chatting and a video meeting (column 3 lines 25 *et seq.*, column 3 lines 51 *et seq.*). However, Will in further view of Matsubara in further view of Dellert et al. fails to disclose wherein said picture-related contents include the contents used for a video electronic commerce and a video dating service.

The examiner takes Official Notice that it is old and well known in the art to use picture-related contents in video electronic commerce and video dating service.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate picture-related contents in video electronic commerce and video dating service to associate the person being imaged to his personal identifying information for verification purposes.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Will (US patent No. 6,721,410) in further view of Matsubara (US PgPub 2005/0041153) In further view of Examiners Official Notice.

Regarding **claim 7**, as mentioned above in the discussion of claim 6, Will in further view of Matsubara teaches all of the limitations of the parent claim. Additionally, Will teaches wherein said picture-related contents include the contents used for a video chatting and a video meeting (column 3 lines 25 *et seq.*, column 3 lines 51 *et seq.*). However, Will in further view of Matsubara fails to disclose wherein said picture-related contents include the contents used for a video electronic commerce and a video dating service.

The examiner takes Official Notice that it is old and well known in the art to use picture-related contents in video electronic commerce and video dating service.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate picture-related contents in video electronic commerce and video dating service to associate the person being imaged to his personal identifying information for verification purposes.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Will (US patent No. 6,721,410) in further view of Matsubara (US PgPub 2005/0041153) In further view of Jojic et al. (US patent No. 7,113,185).

Regarding **claim 11**, as mentioned above in the discussion of claim 6, Will in further view of Matsubara teaches all of the limitations of the parent claim. However, Will in further view of Matsubara fails to disclose if said user wants to use said video data only, editing said video data according to said user's demand. Jojic et al., on the other hand teaches that if said user wants to use said video data only, editing said video data according to said user's demand.

More specifically, Jojic et al. teaches that if said user wants to use said video data only, editing said video data according to said user's demand (column 51 liens 34 *et seq.*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Jojic et al. with the teachings of Will in further view of Matsubara because in column 51 liens 34 *et seq.* Jojic et al. teaches that this technique can be used to capture quality stills from video, make video textures, use sprites in presentations or on Internet web pages, etc.

Regarding **claim 12**, as mentioned above in the discussion of claim 11, Will in further view of Matsubara teaches all of the limitations of the parent claim. However, Will in further view of Matsubara fails to disclose that said edition of said video data includes a

partial-deletion and a surface-processing. Jojic et al., on the other hand teaches that said edition of said video data includes a partial-deletion and a surface-processing.

More specifically, Jojic et al. teaches that said edition of said video data includes a partial-deletion and a surface-processing (column 51 liens 34 *et seq.*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Jojic et al. with the teachings of Will in further view of Matsubara because in column 51 liens 34 *et seq.* Jojic et al. teaches that this technique can be used to capture quality stills from video, make video textures, use sprites in presentations or on Internet web pages, etc.

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Will (US patent No. 6,721,410) in further view of Matsubara (US PgPub 2005/0041153) In further view of Grosso et al. (US PgPub 2003/0133159).

Regarding **claim 13**, as mentioned above in the discussion of claim 6, Will in further view of Matsubara teaches all of the limitations of the parent claim. However, Will in further view of Matsubara fails to disclose if said user wants to use said image data only in step (d), editing said image data according to said user's demand. Grosso et al., on the other hand teaches that if said user wants to use said image data only in step, editing said image data according to said user's demand.

More specifically, Grosso et al. teaches that if said user wants to use said image data only in step, editing said image data according to said user's demand (paragraph 0028).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Grosso et al. with the teachings of Will in further view of Matsubara because Grosso et al. teaches in paragraph 0028 that this technique produces multiple unique and customized images can also be created from a single original image, which provides value and convenience.

Regarding **claim 14**, as mentioned above in the discussion of claim 13, Will in further view of Matsubara teaches all of the limitations of the parent claim. However, Will in further view of Matsubara fails to disclose wherein said edition of said image data includes a size-control, an image-combination, and a color-selection. Grosso et al., on the other hand teaches that wherein said edition of said image data includes a size-control, an image-combination, and a color-selection.

More specifically, Grosso et al. teaches that wherein said edition of said image data includes a size-control, an image-combination, and a color-selection (paragraph 0028).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Grosso et al. with the teachings of Will in further view of Matsubara because Grosso et al. teaches in

paragraph 0028 that this technique produces multiple unique and customized images can also be created from a single original image, which provides value and convenience.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Obata et al. (US patent No. 6,462,767) personal information of user is imbedded in image/video.

Ojima (US patent No. 6,236,412) synthesizing image and video to produce new output synthesized video.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usman Khan whose telephone number is (571) 270-1131. The examiner can normally be reached on Mon-Thru 6:45-4:15; Fri 6:45-3:15 or Alt. Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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